

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

MAR - 8 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Deployment of Wireline Services Offering)
Advanced Telecommunications Capability)

CC Docket No. 98-147 /

and)

Implementation of the Local Competition)
Provisions of the Telecommunications Act)
of 1996)

CC Docket No. 96-98

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BELLSOUTH PETITION FOR RECONSIDERATION

BellSouth Corporation, on behalf of BellSouth Telecommunications, Inc. ("BellSouth"), hereby seeks partial reconsideration of the Commission's *Third Report and Order on Reconsideration* in the above referenced proceeding.¹ Specifically, BellSouth requests reconsideration of the *Report and Order* on the issue of converting an existing line sharing arrangement² to a line splitting arrangement. The Commission's assumption regarding such a conversion is inaccurate in some circumstances.

¹ *In the Matter of Deployment of Wireline Services Offering Advanced Telecommunications Capability and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, CC Docket Nos. 98-147 and 96-98, *Third Report and Order on Reconsideration* in CC Docket No. 98-147, *Fourth Report and Order on Reconsideration* in CC Docket No. 96-98, FCC 01-26, released January 19, 2001 ("Report and Order").

² *See In the Matters of Deployment of Wireline Services Offering Advanced Telecommunications Capability and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, CC Docket Nos. 98-147 and 96-98, *Third Report and Order in*

I. OBLIGATIONS UNDER THE *REPORT AND ORDER*

In the *Report and Order*, the Commission found that incumbent local exchange carriers (“ILEC”) have an obligation to provide competitive local exchange carriers (“CLEC”) the ability to engage in line splitting arrangements. Specifically the *Report and Order* states:

[I]ncumbent LECs have an obligation to permit competing carriers to engage in line splitting using the UNE-platform where the competing carrier purchases the entire loop and provides its own splitter. For instance, if a competing carrier is providing voice service using the UNE-platform, it can order an unbundled xDSL-capable loop terminated to a collocated splitter and DSLAM equipment and unbundled switching combined with shared transport, to replace its existing UNE-platform arrangement with a configuration that allows provisioning of both data and voice services.³

Paragraph 22 of the *Report and Order* addresses situations where the ILEC is the current voice service provider in a line sharing arrangement, as the Commission confirmed is necessary for line sharing, but is then displaced by another voice carrier. In those situations, the *Report and Order* acknowledges that line sharing is no longer required by the ILEC,⁴ however, the data

CC Docket No. 98-147 and Fourth Report and Order in CC Docket No. 96-98, 14 FCC Rcd 20912, (1999) (“*Line Sharing Order*”).

³ *Report and Order* at ¶ 19. Line splitting as designated in the *Report and Order* contemplates a non-facilities based carrier providing voice over a combination of elements, including voice switching, from the ILEC. For loop testing purposes, BellSouth can only provide testing, as contemplated in the *Line Sharing Order*, where it also provides the switching. This function is performed by giving the CLEC access to the mechanized loop testing (“MLT”) facilities. If the ILEC does not provide the switching, this function cannot be performed. Accordingly, any test requirements associated with line splitting must be limited to situations where the voice CLEC provisions voice service using the ILEC’s unbundled network elements. BellSouth does not imply that a facilities-based voice carrier cannot team with a data CLEC to provision data and voice over a loop where the voice carrier provides its own switching. This situation, however, is not line splitting as defined in the *Report and Order* and would require different testing facilities.

⁴ The *Report and Order* states that “in the event that a customer terminates incumbent LEC provided voice service on a line-shared line, the competitive data carrier is required to purchase

CLEC could enter a voluntary line splitting arrangement with the new voice carrier.⁵ The concluding sentence of the paragraph then states:

Furthermore, because no central office wiring changes are necessary in a conversion from line sharing to line splitting, we expect incumbent LECs to work with competing carriers to develop streamlined ordering processes for migrations between line sharing and line splitting that avoid voice and data service disruption and make use of the existing xDSL-capable loop.⁶

This statement, however, is not accurate for BellSouth. Generally in the BellSouth region, moving from a line sharing arrangement to a line splitting arrangement will require wiring changes. While BellSouth will certainly work with CLECs to avoid service disruptions in such situations, the Commission should clarify its *Report and Order* to acknowledge that such situations will occur.

II. ASSUMPTION REGARDING WIRING CHANGES IS NOT ALWAYS ACCURATE

BellSouth will provision line sharing under two different arrangements, however, one of the arrangements has never been requested by data CLECs. First, BellSouth procures stand-alone splitters on the CLEC's behalf and leases them to the CLECs in quantities of 24 and 96 units.⁷ When a CLEC orders a block of splitters, BellSouth will assign splitters to that CLEC

the full stand-alone loop network element if it wishes to continue providing xDSL service.” *Report and Order* at ¶ 22.

⁵ *Report and Order* at ¶ 22 (“the formerly line sharing data carrier also could enter into a voluntary line splitting arrangement with a new voice carrier.”)

⁶ *Id.*

⁷ BellSouth provisions its xDSL service through digital subscriber line access multiplexers (“DSLAM”) that have integrated splitters. Thus, BellSouth does not use nor does it have any need for stand-alone splitters in provisioning its own xDSL service. The leasing arrangement was developed at the request of the data CLECs to assist the CLECs in installing splitters to provision line sharing as fast as possible.

consecutively in blocks of 24. BellSouth provides the CLEC with splitter assignments that the CLEC must then use to advise BellSouth which splitter to use when seeking access to the high frequency spectrum on a particular loop. Pursuant to paragraph 22 cited above, the *Report and Order* indicates that in line splitting the data CLEC “provides its own splitter” and the loop is “terminated to a collocated splitter and DSLAM equipment.” When changing from line sharing, as described above, to line splitting, and the data CLEC provides its own splitter in a collocated portion of the ILEC’s premises, new wiring will be required.⁸

Second, the data CLEC may purchase and own the splitter and place it in collocation space on BellSouth’s premises. The voice is then routed back to BellSouth’s voice switch to provision voice service. BellSouth has had no data CLEC request this type of arrangement; all the data CLEC’s have opted for leasing the splitter from BellSouth. If a data CLEC does opt to collocate its own splitter, the *Report and Order* is accurate in that no wiring changes would be necessary.

III. CONCLUSION

The *Report and Order* improperly characterizes conversions from line sharing to line splitting as not requiring any wiring changes. While this may be the case in some situations, it will not be the case in all situations. In those circumstances where re-wiring will be required, the end-user customer will likely experience some service disruption. While ILECs and CLECs can work to minimize this disruption, in the event of wiring changes, the disruption cannot be

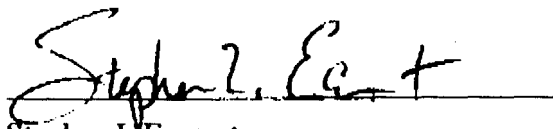
⁸ Moreover, because the voice switch is used to access the loop for purposes of testing, where a facilities-based carrier is providing its own voice switching, BellSouth cannot test the loop. In such a situation, the voice carrier must provide a mechanized automated data interchange to the voice switch-based mechanized loop testing system, to allow BellSouth to access the loop for purposes of testing.

completely eliminated. The Commission should therefore clarify the *Report and Order* to acknowledge that wiring changes, which will likely include some service disruption, will be required in some situations when converting from line sharing to line splitting.

Respectfully submitted,

BELLSOUTH CORPORATION

By its Attorneys

A handwritten signature in black ink, appearing to read "Stephen L. Earnest", is written over a horizontal line.

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Date: March 8, 2001

CERTIFICATE OF SERVICE

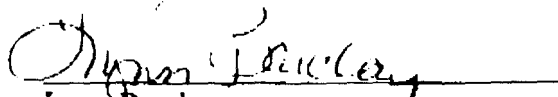
I do hereby certify that I have this 8th day of March 2001 served the parties listed below with a true and correct copy of the foregoing **BELLSOUTH PETITION FOR RECONSIDERATION** by hand delivery.

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